

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Proposing rule making related to habitat and public access program and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 22, “Wildlife Habitat on Private Lands Promotion Program and Habitat and Public Access Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 483A.3B(3)“c”(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 483A.3B(3).

*Purpose and Summary*

The Iowa Habitat and Access Program (“IHAP” or “program”) was started in 2011. The program exists to encourage private landowners to voluntarily open their lands to public hunting in exchange for on-site wildlife habitat technical and financial assistance from the Department of Natural Resources (Department). The program’s eligibility criteria, application processes, and assessment standards are spelled out in Chapter 22.

The Commission is proposing two changes to the program, the only ones to date since its development. These proposed changes are aimed at making improvements to the agreement and growing IHAP in a sustainable way. Hunters are excited to grow the program, and there is high landowner interest in enrolling. These changes will allow both to occur more easily.

First, the adoption by reference of the program’s agreement template shall be stricken. During the program’s initial roll-out, the program’s agreement template was adopted by reference in order to provide extra levels of transparency. Nearly a decade into this very popular program, this extra level of transparency is no longer necessary. Other rules in the chapter outline the agreement’s overall scope and general terms, and those rules shall remain. Additionally, the agreement’s template shall continue to be available on the Department’s website for any interested parties to read at their convenience.

Second, the Commission is proposing to strike language that requires the Department to directly hire the habitat contractor. This amendment will enable the Department to pay the enrolled landowner directly if the landowner is competent to do the habitat work, or allow the landowner to personally hire the contractor of choice and pay for that work with allotted IHAP funds.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

### *Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 18, 2020. Comments should be directed to:

Brian Hickman  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319  
Email: [brian.hickman@dnr.iowa.gov](mailto:brian.hickman@dnr.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Brian Hickman via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Brian Hickman prior to the hearing to facilitate an orderly hearing.

August 18, 2020  
1 to 2 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 571—22.14(456A,483A) as follows:

**571—22.14(456A,483A) Agreements.** The commission shall enter into “Iowa Management and Access Program Agreements,” ~~version 4-15-11 that is located~~ available on the department’s Web site at <http://www.iowadnr.gov/wildlife/privateland/mgt-access.html> website as well as through the department’s central office, ~~and incorporated by reference herein,~~ with approved landowners to carry out the purposes of this program.

**22.14(1)** No change.

**22.14(2)** Grant funds. Habitat development money is only available if an agreement has been signed by both parties. ~~No funds shall be paid directly to the landowner, but rather shall go to a habitat development contractor hired by the department.~~ This is not a cost-share program; the department is solely responsible for all habitat development cost.

**22.14(3) to 22.14(5)** No change.